IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WA.No. 1366 of 2006()

AGAINST THE JUDGEMENT IN OP.31045/2001 Dated 09/08/2005
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APPELLANTS: RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

4. THE SUB INSPECTOR OF POLICE,
POONTHURA POLICE STATION, POONTHURA P.O.,
THIRUVANANTHAPURAM.

5. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER MR. T.B.HOOD

RESPONDENTS/PETITIONERS:
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1. THIRUVANANTHAPURAM TALUK KALLU CHETHU
VYAVASAYA THOZHILALI SAHAKARANASANGAM LTD.
NO.1470, CHIRAKULAM STATUE, THIRUVANANTHAPURAM
REP. BY ITS SECRETARY R.RAMANAN, AGED 41 YEARS,
S/O.RAGHAVAN.

2. PRASANNAN, S/O.CHAKRAPANI,
PRATHIKARANAM HOUSE, KOLATHUKARA DESOM, ATTIPRA
VILLAGE, THIRUVANANTHAPURAM DISTRICT, EX-CHIEF
PROMOTER OF THIRUVANANTHAPURAM TALUK KALLU
CHETHU VYVASAYA THOZHILALI SAHAKARANASANGAM LTD.
NO.1470, CHIRAKULAM STATUE, THIRUVANANTHAPURAM.

3. G.MADHU, S/O.GOPINATH,
FORMER SECRETARY, THIRUVANANTHAPURAM TALUK,
KALLU CHETHU VYVASAYA THOZHILALI SAHAKARANASANGAM
LTD. NO.1470.

BY ADV. SRI.C.C.THOMAS

THIS WRIT APPEAL HAVING COME UP FOR ORDERS ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & C.N.RAMACHANDRAN NAIR, J.

W.A.No.1366 of 2006 &
C.M.Appln.No.862 of 2006

Dated, this the 15th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

Delay condoned.

2. First petitioner in the original lis now arrayed as first respondent in this appeal is a co-operative society of toddy tappers. They challenged the F.I.R. Ext.P1 and mahazars Exts.P2 and P3. Broadly, the allegation against the petitioners is that they sold toddy having ethyl alcohol in excess of the prescribed limit. The learned Single Judge before whom the matter came allowed the petition in view of the Division Bench judgment of this Court in **State of Kerala** v. **Unni** (2005 (1) KLT 714). Not only that, the matter is covered in favour of the petitioners in view of the judgment of the Division Bench of this Court in W.A.No.1027 of 2005 and connected matters decided on 27th June, 2006. Counsel for the petitioners has now brought to our notice that against the judgment of the Division Bench of this

Court, Civil Appeal No.5300 of 2006 was filed which has been dismissed by the Honourable Supreme Court vide order dated December 1, 2006. No merits. Dismissed.

V.K. BALI,
CHIEF JUSTICE.

C.N.RAMACHANDRAN NAIR,
JUDGE.

vns